

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-FOURTH DAY — TUESDAY, FEBRUARY 21, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 29).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Averitt; Bailey; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Park; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Van de Putte; West; Williamson; Willis; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Hightower.

Absent — Alvarado; Berlanga; Danburg; Oliveira; Patterson; Rusling; Torres; Walker; Wilson.

The invocation was offered by Reverend Vic Schober, Church of Glad Tidings, Assembly of God, Austin, as follows:

Most Gracious Heavenly Father, from El Paso to Port Arthur, from Del Rio to Texarkana, from Dalhart to Brownsville, Texas needs your blessings!

Whether on the Rio Grande River or on the Red River, whether on the Colorado River or the Sabine River, Texans need your blessings!

Be it deep in the heart of Texas or out on the border of Texas, the border with Mexico, New Mexico, Oklahoma, Arkansas, or Louisiana, our great State of Texas needs your blessings!

O God, we request your wisdom and divine guidance for all of the fine men and women who are legislators serving Texas in this capitol today!

May your best counsel be given to those who represent San Angelo, San Augustine, or San Antonio, Fort Stockton, Fort Hood, or Fort Worth, Grand Falls, Marble Falls, or Wichita Falls.

And, Lord, whether they are from El Paso or Aransas Pass or Sabine Pass, Big Springs or Big Wells or Big Lake, or Bigfoot for that matter, please keep them focused on what's best for the future of this great state we love so much!

God bless Texas! God bless America! And God bless the leaders of both! Amen and Amen!

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Hightower on motion of Telford.

(Berlanga, Danburg, Oliveira, Patterson, Rusling, Torres, and Walker now present)

MESSAGE FROM THE SENATE

Austin, Texas, February 21, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 61 by Sadler (Sponsor-Ratliff), designating February 22, 1995, as Rusk County Day.

SB 165 by Leedom, et al., relating to a certification of willingness not to appear and plead as an attorney in court by certain retired and former judges.

SB 297 by Madla, relating to the change of the name of San Antonio State Chest Hospital to the Texas Center for Infectious Disease.

SB 418 by Armbrister, relating to the management of the Edwards Aquifer and the powers and duties of the Edwards Underground Water District.

SB 436 by Montford, relating to the regulation of certain facilities that advertise the provision of special care for residents with Alzheimer's disease and related disorders.

SB 496 by Madla, relating to the contribution of vacation leave time by certain county employees to a county sick leave pool.

SB 509 by Zaffirini, relating to clarifying the authority of the Health and Human Services Commission to delegate to a health and human services agency the authority to operate all or part of the Medicaid program and to the powers and duties of that agency.

Respectfully,
Betty King
Secretary of the Senate

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Wilson on motion of Edwards.

HR 226 - ADOPTED

Representative Alexander moved to suspend all necessary rules to take up and consider at this time **HR 226**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Alexander,

HR 226, Designating February 21, 1995, as Corsicana Day.

The resolution was read and was adopted without objection.

On motion of Representative Uher, the names of all the members of the house were added to **HR 226** as signers thereof.

CAPITOL PHYSICIAN

Speaker Laney presented Dr. Jimmy Randles of Waco as the "Doctor for the Day."

The house welcomed Dr. Randles and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HCR 98 - ADOPTED

Representatives Craddick and West moved to suspend all necessary rules to take up and consider at this time **HCR 98**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Craddick and West,

HCR 98, Designating February 21, 1995, as Midland/Odessa Day.

The resolution was read and was adopted without objection.

On motion of Representative West, the names of all the members of the house were added to **HCR 98** as signers thereof.

HR 171 - ADOPTED

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 171**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Pitts,

HR 171, In memory of Luella Moore Curlin Autrey.

The resolution was read and was unanimously adopted by a rising vote.

(Speaker pro tempore in the chair)

HR 25 - ADOPTED

Representative Finnell moved to suspend all necessary rules to take up and consider at this time **HR 25**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Finnell,

HR 25, Paying tribute to the life of the Honorable Maurice Benton Ball.

The resolution was read and was unanimously adopted by a rising vote.

On motion of Representative Hirschi, the names of all the members of the house were added to **HR 25** as signers thereof.

HR 26 - ADOPTED

Representative Finnell moved to suspend all necessary rules to take up and consider at this time **HR 26**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Finnell,

HR 26, Paying tribute to the life of Jack Crain.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Hirschi, the names of all the members of the house were added to **HR 26** as signers thereof.

(Speaker in the chair)

HR 231 - ADOPTED

Representative Johnson moved to suspend all necessary rules to take up and consider at this time **HR 231**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Johnson,

HR 231, Recognizing February 22, 1995, as Community Action Day.

The resolution was adopted without objection.

HR 232 - ADOPTED

Representative Johnson moved to suspend all necessary rules to take up and consider at this time **HR 232**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Johnson,

HR 232, Commemorating the 100th anniversary of the founding of Kirbyville.

The resolution was adopted without objection.

HR 156 - ADOPTED

Representative Kamel moved to suspend all necessary rules to take up and consider at this time **HR 156**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kamel,

HR 156, Honoring the Reverend Monsignor Milam J. Joseph, V.G.

The resolution was adopted without objection.

HR 157 - ADOPTED

Representative Kamel moved to suspend all necessary rules to take up and consider at this time **HR 157**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kamel,

HR 157, Honoring Andrews Children's Place for providing outstanding care to children with special needs.

The resolution was adopted without objection.

HR 19 - ADOPTED

Representative Finnell moved to suspend all necessary rules to take up and consider at this time **HR 19**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Finnell,

HR 19, Honoring St. Peter Lutheran Church on its 100 years of service as a house of worship.

The resolution was adopted without objection.

HR 110 - ADOPTED

Representative Finnell moved to suspend all necessary rules to take up and consider at this time **HR 110**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Finnell,

HR 110, Commemorating the 100th anniversary of Valley View Baptist Church.

The resolution was adopted without objection.

RULES SUSPENDED

Representative Junell moved to suspend the 5-day posting rule on **HB 1** for the 74th Legislature, with the understanding that the appropriations committee will give the members and the public adequate notice of the committee's schedule for consideration of agencies' budgets by posting proposed schedules on a regular basis.

The motion prevailed without objection.

Representative Sadler moved to suspend the 5-day posting rule to allow the Committee on Public Education to consider **HB 1340**.

The motion prevailed without objection.

Representative Sadler moved to suspend the 5-day posting rule to allow the Committee on Public Education to hold a public hearing at 2 p.m. Thursday, February 23, 1995, in E2.036.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, 2 p.m. Thursday, February 23, E2.036, Capitol Extension.

HR 222 - ADOPTED

Representative Torres moved to suspend all necessary rules to take up and consider at this time **HR 222**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Torres and Farrar,

HR 222, Commending the organizers and sponsors of Go Tejano Day at the Houston Livestock Show and Rodeo.

The resolution was adopted without objection.

On motion of Representative Farrar, the names of all the members of the house were added to **HR 222** as signers thereof.

RULES SUSPENDED

Representative Thompson moved to suspend the 5-day posting rule to allow the Committee on Judicial Affairs to consider **HB 1242**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judicial Affairs, 2 p.m. today, E1.026, Capitol Extension, to consider **HB 1242**.

PROVIDING FOR ADJOURNMENT

Representative Junell moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Representative Danburg's aunt, Rita Riecks of San Angelo.

The motion prevailed without objection.

BILL REASSIGNED

The speaker returned **HB 1474** to the chief clerk because it contains an incomplete enacting clause. Because it contains an incomplete enacting clause, it does not comply with the House Rules or the Texas Constitution and therefore cannot be referred to a committee.

The speaker authorized the chief clerk to reassign the next bill as **HB 1474**.

HOUSE BILLS ON FIRST READING

The following house bills were today laid before the house, read first time, and referred to committees:

By Holzheuser and Kamel,

HB 1406, A bill to be entitled An Act relating to an exemption from the gas production tax for high cost gas.

To Committee on Ways and Means.

By Holzheuser and Kamel,

HB 1407, A bill to be entitled An Act relating to applications for oil and gas permits and revocation of permits, certificates of compliance and organization reports filed with the Railroad Commission.

To Committee on Energy Resources.

By McDonald,

HB 1408, A bill to be entitled An Act relating to purchasing, storing or transporting certain drugs for the purpose of administering to home health and hospice patients.

To Committee on Public Health.

By McDonald and Coleman, et al.,

HB 1409, A bill to be entitled An Act relating to children and family issues, including education and health and human services and juvenile justice issues; providing penalties.

To Committee on Human Services.

By Madden,

HB 1410, A bill to be entitled An Act relating to expanding the exception to nepotism prohibitions for a substitute teacher hired by a school district.

To Committee on Public Education.

By Seidlits,

HB 1411, A bill to be entitled An Act relating to the statutory county courts in Grayson County.

To Committee on Judicial Affairs.

By Oakley,

HB 1412, A bill to be entitled An Act relating to certain fire and police arbitration procedures.

To Committee on Urban Affairs.

By Hilbert,

HB 1413, A bill to be entitled An Act relating to eligibility for AFDC benefits.

To Committee on Human Services.

By Counts,

HB 1414, A bill to be entitled An Act relating to provisions governing insurance fraud, creating a penal offense; and making an appropriation.

To Committee on Criminal Jurisprudence.

By McDonald,

HB 1415, A bill to be entitled An Act relating to the detection and prevention of osteoporosis; making an appropriation.

To Committee on Public Health.

By McDonald,

HB 1416, A bill to be entitled An Act relating to benefits for the detection and prevention of osteoporosis under group health insurance policies.

To Committee on Insurance.

By S. Turner,

HB 1417, A bill to be entitled An Act relating to benefits for certain survivors of deceased police officers under the police officers' pension systems of certain cities.

To Committee on Pensions and Investments.

By S. Turner,

HB 1418, A bill to be entitled An Act relating to liability insurance requirements for certain child care facilities.

To Committee on Human Services.

By Yarbrough,

HB 1419, A bill to be entitled An Act relating to the creation of a license allowing food and beverage establishments to sell or serve alcoholic beverages, providing penalties.

To Committee on Licensing and Administrative Procedures.

By G. Lewis,

HB 1420, A bill to be entitled An Act relating to the appointment of bailiffs for the district courts in Tarrant County that give preference to criminal cases.

To Committee on Judicial Affairs.

By Hilbert,

HB 1421, A bill to be entitled An Act relating to the liability of court-appointed attorneys for damages arising from the representation of indigent clients.

To Committee on Civil Practices.

By Reyna,

HB 1422, A bill to be entitled An Act relating to certain fees charged by local recording agents.

To Committee on Insurance.

By Duncan,

HB 1423, A bill to be entitled An Act relating to unfair methods of competition or unfair or deceptive acts or practices in the business of insurance.

To Committee on Insurance.

By Duncan,

HB 1424, A bill to be entitled An Act relating to certain reports filed by insurers with the National Association of Insurance Commissioners.

To Committee on Insurance.

By Brimer,

HB 1425, A bill to be entitled An Act relating to business organizations.

To Committee on Business and Industry.

By Naishtat and Maxey,

HB 1426, A bill to be entitled An Act relating to court-ordered mental health services.

To Committee on Public Health.

By Naishtat,

HB 1427, A bill to be entitled An Act relating to supported employment of persons with a disability.

To Committee on Human Services.

By Naishtat,

HB 1428, A bill to be entitled An Act relating to streamlining the determination of Medicaid eligibility.

To Committee on Human Services.

By Naishtat,

HB 1429, A bill to be entitled An Act relating to caseload estimates by health and human services agencies.

To Committee on Human Services.

By Naishtat,

HB 1430, A bill to be entitled An Act relating to medical care decisions for persons with terminal conditions or for persons who lack capacity to make those decisions.

To Committee on Public Health.

By Naishtat,

HB 1431, A bill to be entitled An Act relating to the automation of eligibility determination for the state's welfare programs.

To Committee on Human Services.

By Berlanga,

HB 1432, A bill to be entitled An Act relating to the staffing of certain emergency medical services vehicles.

To Committee on Public Health.

By Hamric, Place, Talton, Gallego, Culberson, et al.,

HB 1433, A bill to be entitled An Act relating to the eligibility for release on mandatory supervision of certain inmates of the institutional division of the Texas Department of Criminal Justice.

To Committee on Corrections.

By Hochberg,

HB 1434, A bill to be entitled An Act relating to the claiming of the exemption from ad valorem taxation provided for certain property of a medical center development.

To Committee on Ways and Means.

By Hochberg,

HB 1435, A bill to be entitled An Act relating to restrictions in the practice of public accountancy.

To Committee on Licensing and Administrative Procedures.

By Rodriguez,

HB 1436, A bill to be entitled An Act relating to the financing of certain residential developments by a housing finance corporation.

To Committee on Urban Affairs.

By Alonzo,

HB 1437, A bill to be entitled An Act relating to the funds allocation advisory committee of the Texas Commission on Fire Protection.

To Committee on Urban Affairs.

By Alonzo,

HB 1438, A bill to be entitled An Act relating to staff development training for public school teachers.

To Committee on Public Education.

By Alonzo,

HB 1439, A bill to be entitled An Act relating to the administration of criterion-referenced assessment instruments to public school students.

To Committee on Public Education.

By Alonzo,

HB 1440, A bill to be entitled An Act relating to the dismissal of an appeal from a justice or municipal court in a criminal case.

To Committee on Criminal Jurisprudence.

By Holzheuser,

HB 1441, A bill to be entitled An Act relating to financing of alternative fuels infrastructure by the Texas Public Finance Authority on behalf of state agencies, political subdivisions, and other eligible entities.

To Committee on Financial Institutions.

By Holzheuser,

HB 1442, A bill to be entitled An Act relating to the authority of the Railroad Commission of Texas to receive and administer gifts, grants, and donations.

To Committee on Energy Resources.

By Holzheuser,

HB 1443, A bill to be entitled An Act relating to the imposition, collection, and enforcement of taxes.

To Committee on Ways and Means.

By Holzheuser,

HB 1444, A bill to be entitled An Act relating to the administration, imposition, collection, and enforcement of mixed beverage taxes.

To Committee on Ways and Means.

By Holzheuser,

HB 1445, A bill to be entitled An Act relating to administration and collection of the franchise tax.

To Committee on Ways and Means.

By Holzheuser,

HB 1446, A bill to be entitled An Act relating to administration and collection of certain insurance taxes.

To Committee on Ways and Means.

By Carter,

HB 1447, A bill to be entitled An Act relating to criminal street gangs; providing a criminal penalty.

To Committee on Juvenile Justice and Family Issues.

By Carter,

HB 1448, A bill to be entitled An Act relating to the regulation of certain personal protection officers.

To Committee on Public Safety.

By Park,

HB 1449, A bill to be entitled An Act relating to credit in the Texas Municipal Retirement System for certain public service.

To Committee on Pensions and Investments.

By Maxey,

HB 1450, A bill to be entitled An Act relating to adult literacy and adult education.

To Committee on Higher Education.

By Tillery,

HB 1451, A bill to be entitled An Act relating to arbitration procedures under The Fire and Police Employee Relations Act.

To Committee on Urban Affairs.

By Torres,

HB 1452, A bill to be entitled An Act relating to the files and records of children who engage in certain conduct.

To Committee on Juvenile Justice and Family Issues.

By Talton,

HB 1453, A bill to be entitled An Act relating to the creation of metropolitan transit authorities.

To Committee on Urban Affairs.

By Talton,

HB 1454, A bill to be entitled An Act relating to requirements for certain political subdivisions that acquire real property held in trust.

To Committee on County Affairs.

By Van de Putte,

HB 1455, A bill to be entitled An Act relating to access to pharmaceutical services through certain managed care health plans.

To Committee on Insurance.

By Van de Putte,

HB 1456, A bill to be entitled An Act relating to the identification of children suffering from lead poisoning and to control measures for lead contamination; providing penalties.

To Committee on Public Health.

By Hudson,

HB 1457, A bill to be entitled An Act relating to review of enforcement of the federal fair housing laws in this state.

To Committee on Urban Affairs.

By Hudson,

HB 1458, A bill to be entitled An Act relating to the dedication of certain lottery revenue for state day-care services.

To Committee on Appropriations.

By Hudson,

HB 1459, A bill to be entitled An Act relating to conjugal visitation of inmates in the institutional division of the Texas Department of Criminal Justice.

To Committee on Corrections.

By Rabuck,

HB 1460, A bill to be entitled An Act relating to establishment of the office of administrative rule review within the office of the governor.

To Committee on State Affairs.

By Solis,

HB 1461, A bill to be entitled An Act relating to the longevity pay for members of certain municipal fire and police departments.

To Committee on Urban Affairs.

By Swinford,

HB 1462, A bill to be entitled An Act relating to the tuition charged to certain nonresident students at certain public technical institutes.

To Committee on Higher Education.

By Swinford,

HB 1463, A bill to be entitled An Act relating to a lien in favor of a seller of agricultural chemicals, agricultural seeds, or animal feed; providing penalties.

To Committee on Agriculture and Livestock.

By Coleman,

HB 1464, A bill to be entitled An Act relating to the creation, administration, powers, and duties of the Houston Downtown Management District.

To Committee on State Affairs.

By Coleman,

HB 1465, A bill to be entitled An Act relating to the authority of the governing bodies of certain public institutions of higher education to close streets or alleys running through the campuses of those institutions.

To Committee on Higher Education.

By Coleman and Greenberg,

HB 1466, A bill to be entitled An Act relating to the identification of potential sources of funding and support for early child care and education programs.

To Committee on Human Services.

By Oakley,

HB 1467, A bill to be entitled An Act relating to membership in the Teacher Retirement System of Texas by persons participating in the optional retirement program.

To Committee on Pensions and Investments.

By Glaze,

HB 1468, A bill to be entitled An Act relating to the penalties and interest incurred by a delinquent ad valorem tax.

To Committee on Ways and Means.

By Hirschi,

HB 1469, A bill to be entitled An Act relating to false claims made with certain state governmental entities.

To Committee on State Affairs.

By Munoz,

HB 1470, A bill to be entitled An Act relating to decisions of school district boards of trustees concerning detachment and annexation of certain school district territory.

To Committee on Public Education.

RESOLUTION REFERRED TO COMMITTEE

The following resolution was laid before the house and referred to committee:

By Alexander,

HCR 89, Granting Maverick Drilling & Well Service Co., Inc., permission to sue the State of Texas and the Railroad Commission.

To Committee on Civil Practices.

SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time, and referred to committees:

SB 43 to Committee on Corrections.

SB 44 to Committee on Corrections.

SB 253 to Committee on County Affairs.

SB 266 to Committee on Licensing and Administrative Procedures.

SB 387 to Committee on County Affairs.

SB 449 to Committee on Pensions and Investments.

ADJOURNMENT

In accordance with a previous motion, the house, at 10:54 a.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Higher Education - **HB 435**

Public Health - **SB 192**

ENROLLED

February 20 - **HCR 72**

SENT TO THE GOVERNOR

February 20 - **HCR 15**